

G. Spartis

31/12

UNITED STATES DISTRICT COURT
for the
Southern District of Ohio

Case No.

2:12mjl5l

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that there is now concealed on the following person or property located in the Southern District of Ohio *(identify the person or describe the property to be searched and give its location)*:

USPS Express Mail parcel EG561408110US addressed to Mark Smith, 808 Reinhard Ave., Columbus, OH 43206; bearing the return address of Tammy Smith, 4765 Valley Hi Dr., Sacramento, CA 95823. The parcel is a 15.5"x 12.5"x 3" white "Express Mail" cardboard box, weighing 2.2 pounds; mailed on February 28, 2012, from Sacramento, CA 95823, with \$41.75 postage affixed. The parcel is presently located at 850 Twin Rivers Dr., Columbus, OH 43216.

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized):

A quantity of controlled dangerous substance which is contraband, in violation of Title 21, United States Code, Section 841(a)(1), Distribution of Controlled Substances, and Title 21, United States Code, Section 843(b), Unlawful Use of Communication Facility (U.S. Mail)

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- evidence of a crime;
 - contraband, fruits of crime or other items illegally possessed;
 - property designed for use, intended for use, or used in committing a crime;
 - a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of 21 U.S.C. 841(a) & 843(b) and the application is based on these facts:

See attached Affidavit

- Continued on the attached sheet.
 Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Donny T. Simmons, Postal Inspector

Printed name and title

Sworn to before me and signed in my presence.

Date: March 1, 2012

Barney T. Simmons, Postal Inspector

J. T. Simmons, Postal
Pilot, *Postmaster*

Printed name and title

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W. H. G. 1911

~~W. H. F.~~

Judge's signature,

Attachment to Application and Affidavit for Search Warrant

I, Donny T. Simmons, Postal Inspector, being duly sworn, depose and state as follows:

I have been a U.S. Postal Inspector for the past 21 years, enforcing federal mail and drug laws; currently assigned to Columbus, OH. I have received training at U.S. Postal Inspection Service National Training Seminars for mail related criminal investigations and have investigated cases with other federal, state, and local police units.

The U.S. Postal Inspection Service is aware that drug traffickers have been using Express Mail, a business-oriented service offered by the Post Office, to transport controlled substances and transfer funds, cash or otherwise, to further their enterprises. As a result of past investigations and prosecutions, the Postal Inspection Service has determined that a number of indicators can be used to identify packages containing contraband that have been entered into the Express Mail network. Inspectors routinely review shipment documents and Express Mail packages originating from or destined to drug source areas, to identify instances where there is a possibility of drug trafficking.

On February 29, 2012, Postal Inspectors in Columbus, OH, were examining incoming Express Mail at City Gate Processing and Distribution Center, Columbus, Ohio. Inspectors found a package that they believed contained illegal narcotics.

On February 29, 2012, Postal Inspectors took custody of USPS Express Mail parcel EG561408110US addressed to Mark Smith, 808 Reinhard Ave., Columbus, OH 43206; bearing the return address of Tammy Smith., 4765 Valley Hi Dr., Sacramento, CA 95823. The parcel is a 15.5"x 12.5"x 3" white "Express Mail" cardboard box, weighing 2.2 pounds; mailed on February 28, 2012, from Sacramento, CA 95823, with \$41.75 postage affixed.

A computerized address check revealed 808 Reinhard Ave., Columbus, OH 43206 is a legitimate address in Columbus, OH 43206; however Mark Smith is not shown as residing there. A computerized address check was also conducted for, 4765 Valley Hi Dr., Sacramento, CA 95823, this is a legitimate address in Sacramento, CA 95823: however Tammy Smith is not shown as residing there. Your affiant knows that drug traffickers have, in the past, used unknown names, at legitimate addresses to receive parcels containing illegal narcotics and unknown names at

legitimate addresses for the return address for the sender, on packages containing illegal narcotics, to conceal the identity of the mailer, if the parcel is seized by law enforcement officers. Additionally the Northern California area is a known source area for shipment of illegal narcotics to Central Ohio as well as other areas of the United States.

On February 29, 2012, Postal Inspectors contacted Sergeant Mark Cartwright, Columbus Police Department, who is the handler for "Bart", a drug detection dog, most recently certified by the Ohio Peace Officers Training Council for the detection of: marijuana, hashish, cocaine, "crack", heroin, and methamphetamine. K-9 "Bart" has had 120 hours of training at Gold Shield Training Kennels, Blacklick, OH, a well-established and regarded training facility for police canines. Both in training and actual deployments, K-9 "Bart" has successfully detected narcotics; demonstrating clear, positive, aggressive alerts, establishing himself as a highly reliable police dog.

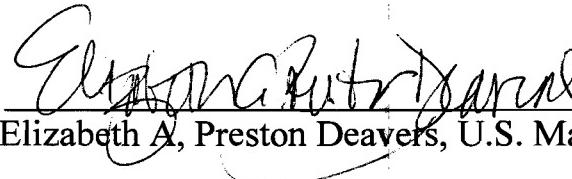
The subject parcel was hidden among postal packages at the Main Post Office, 850 Twin Rivers Dr., Columbus, OH 43216. "Bart" was allowed to search the entire area. Officer Cartwright concluded that K-9 "Bart" alerted positively to USPS Express Mail parcel EG561408110US, indicating the presence of narcotics.

Based on the facts set forth in this Affidavit, I believe there is probable cause to believe that controlled substances are being concealed in the parcel, and seek the issuance of a warrant to search the parcel for controlled substances to be seized.



Donny Simmons, U.S. Postal Inspector

Sworn to before me, and subscribed in my presence, this 1st day of March, 2012, at Columbus, Ohio.



Elizabeth A. Preston Deavers, U.S. Magistrate Judge